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Incredible Auto Sales LLC

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

IN RE:

INCREDIBLE AUTO SALES L.L.C.

Debtor

Case No. 06-60855-RBK

Judge Ralph B Kirscher

Hearing February 26, 2007

At 9 A.M. Billings, Montana

**DEBTOR'S RESPONSE, RESISTANCE AND OBJECTION TO
AUTO AUCTION ASSOCIATES CLAIM FOR ADMINISTRATIVE EXPENSES**

NOW COMES the Debtor, Incredible Auto Sales L.L.C., by and through its Attorneys and files this Response, Resistance and Objection to this Court granting an Administrative Expense to Auto Auction Associates of Montana Inc. d/b/a Auto Auction of Montana (hereinafter "the Auction") as previously requested by the Auction.

IN SUPPORT hereof, the Debtor States as follows:

- 1.) The vehicles that caused the claim by the Auction in this case were all property of this Debtor estate on filing under 11 USC Section 541.
- 2.) The claim of the Auction was an unsecured pre petition claim.

- 3.) The Debtor had insisted with the Court that these vehicles that formed the basis for the claim of the Auction should be sold by the Debtor at the filing date Auction value, and the funds placed in an escrow subject to further jurisdiction of the Court, and the Debtor be allowed to obtain and keep its profit over this cost basis.
- 4.) This solution was not satisfactory to the Auction.
- 5.) This Court was aware that on many of the Auction cars in inventory that the Debtor had costs and repairs invested in this property of the estate.
- 6.) The Court was concerned that these Auction cars were losing value.
- 7.) Because of the Court's concern, these vehicles were voluntarily surrendered to the Auction with the Agreement of the Debtor.
- 8.) This Agreement did not change the character of this asset or affect the validity of the Floor Plan Lien.
- 9.) Any costs that the Auction may have had should not be classed as an Administrative expense.
- 10.) All these cars constitute assets of this estate subject to the Hyundai liens.
- 11.) The proceeds of these vehicles were to be deposited in escrow with the Hyundai lien to attach.
- 12.) The Debtor requests a hearing on this Response Resistance and Objection.
- 13.) The Debtor denies that the Auction has a valid Administrative Claim in this estate relating to any of the Debtor's assets.

/s/ William L. Needler
Attorney for Incredible Auto Sales L.L.C

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NOTICE OF HEARING

To the Service List:

Please be advised that on February 26, 2007 the Debtor's Response, Resistance and Objection to Auto Auction Associates Claim for Administrative Expenses and will be heard in the Bankruptcy Courtroom at Billings, Montana at 9:00 A.M. at:

Hearing Room
Federal Building
Fifth Floor
316 No 26th Street
Billings, Montana

Should you have any questions concerning this Response and/or the Debtor you may call the Debtor's Attorney at (910) 673-1820.

/s/ William L. Needler

PROOF OF SERVICE

William L. Needler, an attorney, certifies that he filed this Debtor's Response, Resistance and Objection and Notice of Hearing on January 26, 2007 with the Clerk of the above Court via CM/ECF electronic filing and the persons listed by the Court were served electronically.

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This Attorney also certifies that he also caused to be served, a copy of the above Objection and Notice as attached hereto, to the persons listed below served by Facsimile Service from the Attorneys offices on January 26, 2007.

/s/ William L. Needler
William L. Needler

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